

BILL NO 27 2010
AN ORDINANCE

AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY,
PENNSYLVANIA, AMENDING THE PROCESS FOR DENIALS OF REQUESTS
AND APPEALS REGARDING ACCESS FOR PUBLIC RECORDS OF THE CITY OF
READING

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS
FOLLOWS:

CITY OF READING
POLICY FOR ACCESS TO PUBLIC RECORDS

SECTION 1. The City of Reading Policy for Access to Public Records set forth in
Chapter 1 Part 10 of the Codified Ordinances shall be amended as follows:

§1-1007. Denial of Request.

A request may be denied if the requester has made repeated requests for the same
record and the repeated requests have placed an unreasonable burden on the agency. A
denial for this purpose shall not restrict the ability to request a different record.

A request may be denied when timely access is not possible due to fire, flood, or other
disaster.

A request may be denied if historical, ancient, or rare documents, records, archives and
manuscripts when access may, in the professional judgment of the curator or custodian
of records, cause physical damage or irreparable harm to the record.

1. ~~If the request is denied or deemed denied, the requester may file
exceptions with the City of Reading City Council within fifteen (15) business days of the
mailing date of the Managing Director's notice of denial, or within fifteen (15) days of a
deemed denial. The exceptions must:~~

- ~~(a) Indicate the date of the original request;~~
- ~~(b) Identify and describe the record(s) requested;~~
- ~~(c) State the grounds upon which the requester asserts the record(s) is a
public record;~~
- ~~(d) Address any grounds stated by the School District in its notice of
denial. The typed name, title, business address, business telephone~~

~~number and signature of the open records officer on whose authority the denial is issued;~~

~~(e) Date of the response; and~~

~~(f) The procedure to appeal the denial of access under this act.~~

2.——A subcommittee of the City Council of the City of Reading, consisting of any three (3) Council persons, shall review the exceptions and may conduct a hearing to assist in making a final determination. A final determination will be made within thirty (30) days of the mailing date of the exceptions, unless extended by the parties. If the denial is upheld, the decision shall contain a written explanation of the reason for denial and an explanation of the process for further appeal.

3.——Appeals of decisions rendered by City Council will be heard by the State of Pennsylvania's Office of Open Records.

1. If the request is denied or deemed denied, an appeal shall be filed within 15 business days of the mailing date of the City's response or within 15 business days of a deemed denial with the Pennsylvania Office of Open Records in accordance with the Pennsylvania Right to Know Law, Act 3 of 2008, effective January 1, 2009, Chapter 11, 65 P.S. § 67.110.

Exception: Appeals of denials or deemed denials of requests for Law Enforcement Records which per the Right to Know Act an appeal shall be filed the Berks County District Attorney's Office in accordance with said Act, Chapter 11, 65 P.S. §67.1101 and Chapter 5, 65 P.S. §67.503.

2.4. This policy shall be posted conspicuously at the Managing Director's office *in addition to the contact information for the State Office of Open Records.*

SECTION 2. All other provisions of the City of Reading's Policy regarding Request for Access to Policy Records as Codified as Chapter 1 Administration and Government Part 10 not amended hereby shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted

2010

President of Council

Attest:


City Clerk

(LAW)


I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 15th day of June A. D. 2010. Witness my hand and seal of the said City this 21st day of June A. D. 2010.

CITY CLERK

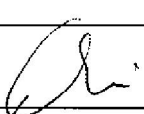
MAYOR'S ACTION
Bill No. 25-0010

Submitted to Mayor: 

Date: 6-16-10

Received by Mayor's Office: 

Date: 6/16/10

Approved by Mayor: 

Date: 6/16/10

Vetoed by Mayor: _____

Date: _____

Sustained by Council: _____

Date: _____

Overridden by Council: _____

Date: _____